GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PSs -School Education- Smt Dalai Krishna Kumari, Headmistress, Zilla Parishad Girls High School, Chodavaram, Visakhapatnam District – Trapped on 13.03.2020 - Departmental Proceedings under rule 20 of APCS (CCA) Rules, 1991 - Articles of Charge - Issued.

SCHOOL EDUCATION (VIG) DEPARTMENT

G.O.Rt.No.01 **Dated:02.01.2024**

ORDER:

It is proposed to hold an enquiry against Smt Dalai Krishna Kumari, Headmistress, Zilla Parishad Girls High School, Chodavaram, Visakhapatnam District, in accordance with the procedure laid down in A.P. Civil Service (CCA) Rules 1991.

2. The substance of the imputations of misconduct in respect of which the inquiry is proposed to be held set out in the enclosed statement of Articles of Charge (Annexure-I). A Statement of imputations of misconduct in support of each articles of Charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV).

3. Smt Dalai Krishna Kumari, Headmistress, Zilla Parishad Girls High School, Chodavaram, Visakhapatnam District, is directed to submit a written statement of her defence within 10 days from the date of receipt of this order.

4 Smt Dalai Krishna Kumari, Headmistress, Zilla Parishad Girls High School, Chodavaram, Visakhapatnam District, is informed that an enquiry will be held only in respect of those articles of charge as are not admitted. She should therefore specifically admit or deny each of articles of charge.

5. Smt Dalai Krishna Kumari, Headmistress, Zilla Parishad Girls High School, Chodavaram, Visakhapatnam District, is further informed that if she does not submit her written statement of defense within the stipulated period, further action will be processed based on the material available.

6. Smt Dalai Krishna Kumari, Headmistress, Zilla Parishad Girls High School, Chodavaram, Visakhapatnam District, is invited to rule 24 of the AP Civil Services (conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to her service under the Government. If any representation is received on those behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that she is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of rule 24 of A.P. Civil Service (conduct) rules 1964.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PRAVEEN PRAKASH
PRINCIPAL SECRETARY TO GOVERNMENT

To
Smt Dalai Krishna Kumari, Headmistress, Zilla Parishad Girls High School, Chodavaram, Visakhapatnam District, through the Commissioner of School Education, A.P., Ibrahimpatnam.Vijayawada.
The Commissioner of School Education, A.P., Ibrahimpatnam,Vijayawada(with a request to serve the orders on the individual and furnish served copy to the Govt., immediately).
Copy:SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SMT.DALAI KRISHNA KUMARI, D/o DALAI HARI, WORKED AS HEAD MISTRESS, Z.P.GIRLS HIGH SCHOOL, CHODAVARAM, VISAKHAPATNAM DISTRICT.

That Smt. Dalai Krishna Kumari, D/o Dalai Hari, aged about 59 years, worked as Head Mistress, Z.P.Girls High School, Chodavaram, Visakhapatnam District, (herein after referred as Government Servant) while functioning as such during the period between 04.04.2017 to 13.03.2020 (till the date of trap) committed grave misconduct in as much as:

ARTICLE OF CHARGE:

That the Government servant Sri Dalai Krishna Kumari, Headmistress, Z.P.Girls High School, Chodavaram had demanded and accepted bribe amount of Rs.4,500/- on 13.03.2020 from the complainant, Smt Abothu Satyavathi @ Manga as an undue advantage as a reward to perform or cause performance of public duty improperly or dishonestly i.e., for already processed Midday Meals bills belonging to complainant for the month of January-2020 pertaining to Zilla Parishad Girls High School, Chodavaram, Visakhapatnam District.

Thus, Smt Dalai Krishna Kumari, Head Mistress, Z.P.Girls High School, Chodavaram, Visakhapatnam by her above mentioned acts exhibited lack of devotion to duty, failed to maintain integrity, behaved in a manner unbecoming of a Government Servant and brought down the prestige of the Government and thereby violated/contravened Rule 3 (1) & (2) of APCS (conduct) Rules, 1964.

PRAVEEN PRAKASH
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE -II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SMT. DALAI KRISHNA KUMARI, D/o DALAI HARI, WORKED AS HEAD MISTRESS, Z.P.GIRLS HIGH SCHOOL, CHODAVARAM, VISAKHAPATNAM.

Smt Dalai Krishna Kumari, D/o Dalai Hari, is a native of Kanchili Mandal, Kokillaputtuga of Srikakulam District. Her date of birth is 20.09.1964. She entered into Government service on 12.06.1997 as a Secondary Grade Teacher and worked as such in MP Elementary School, Kotha Koduru, Rambilli Mandal, Visakhapatnam from 12.06.1997 to 05.08.1998. She transferred to MPPS, Visannapeta of Parawada and worked there from 06.08.1998 to 31.12.2001. Later on 26.06.2003 she promoted as School Assistant and worked as such in ZPGHS, Nakkapalli from 26.06.2003 to 30.01.2009. On 31.01.2009, she promoted as Gr II Head Master and worked as such in ZPGHS, Parawada from 31.01.2009 to 03.11.2015 Suspended from service from 18.02.2017 to 03.04.2017 vide progs Rc. No. Spl/A2/2017 of the RJDSE. Kakinada. Reinstated and posted at ZPGHS, Chodavaram. She worked as Head Mistress, Z.P. Girls High School, Chodavaram, Visakhapatnam from 04.04.2017 to till the date of trap i.e, on 13.03.2020. She is due to retire on attaining the age of superannuation on 30.09.2026. She is hereinafter referred to as Government Servant (G.S).

ARTICLE OF CHARGE:

That the Government servant Smt. Dalai Krishna Kumari, Headmistress, Z.P.Girls High School, Chodavaram had demanded and accepted bribe amount of Rs.4,500/- on 13.03.2020 from the complainant, Smt Abothu Satyavathi Manga as an undue advantage as a reward to perform or cause performance of public duty improperly or dishonestly i.e., for already processed Midday Meals bills belonging to complainant for the month of January-2020 pertaining to Zilla Parishad Girls High School, Chodavaram, Visakhapatnam District.

FACTS AND EVIDENCE

"That on 12.03.2020, the complainant Smt Abothu Satyavathi @ Manga, W/o Srinu came to the office of the DSP, ACB, Visakhpatnam and submitted a Telugu typed complaint that, she is a resident of Kotaveedhi, Chodavaram, Visakhapatnam District. She has been working as Midday Meals worker in ZP Girls High School, Chodavarm from 2008. Along with her, one Smt. Gunuru Varalakshmi, Smt. Rongali Butchirajamma, Smt Badhireddy Lakshmi and Smt. Nakkella Demullamma are working as Midday Meals workers. The complainant along with Smt. Demullamma and Smt Badhireddy Lakshmi are cooking Midday Meals for 9th and 10th class students. Similarly, Smt. Varalaskhmi and Smt Butchirajamma are cooking Midday Meals for 6th to 8th class students alternatively one person per month. As such, she gets her turn for cooking once every three months. They spend their own money for provisions, cooking gas etc., prepare the food and provide meals to students. For which, the Headmaster will process the claim bills and credit the money for Midday Meal workers in the joint bank account of Smt Varalakshmi and Smt. B.Lakshmi and they withdraw the money from bank and they will give money to them. The Government Servant is working as Headmaster in Z.P Girls High School, Chodavaram. The said Government Servant has been demanding bribe of Rs.5,000/- from few days whenever Midday Meal bills amount was credited into their bank accounts. But, the complainant avoided her on one pretext or the other. But, the said Government Servant has been frequently harassing the complainant by demanding bribe since the bill amount of Rs.29,118/- for the month of January pertaining to the complainant was credited into the bank account in the month of February.

(P.T.O)

But, the Government Servant has been demanding bribe of Rs.5,000/- on the pretext to pay the electricity bill. Even though the complainant expressed her inability to give the bribe amount, the Government Servant has been harassing and insisting her to pay the bribe of Rs. 5,000/- on the pretext of electricity bill and is threatening that if she does not pay, her name would be removed from the Midday Meal When the complainant is not seen around, the Government Servant is informing her through others to call her over phone. Accordingly on 09.03.2020 at around 7.00 pm, when the complainant contacted to Government Servant over phone, which belongs to her colleague mid meal worker Gunuru Varalakshmi's son, the Government Servant shouted at her saying that the Midday Meals bills amount was already credited to the bank and the complainant did not pay bribe amount of Rs.5,000/-. The complainant recorded the said conversation in the phone of Smt. Gunuru Varalakshmi. The complainant came to know that, the Government Servant is demanding bribe not only from her, but also from other Midday Meals workers i.e., Smt. Gunuru Varalakshmi and others on the pretext of electricity bill. Again on 12.03.2020, when the complainant came to CITU office, Visakhapatnam on her work, her son Hemanth, called her from his phone number 6301995441 and informed that the Government Servant asked her to call her over phone. Accordingly, the complainant contacted the Government Servant over phone from the phone No.9704563406, which belongs to complainant's known person by name Sri Chiranjeevi to the phone No.9393104093 belongs to the Government Servant in the evening on 12.03.2020. Then, the AO demanded bribe and threatened the complainant that she would look into her matter when the complainant goes there for cooking and she threatened her to pay bribe on the pretext of electricity bill. When the complainant said that she has only Rs 4,000/- on that, the Government Servant demanded her to bring Rs 4,500/- to the school on 13.03.2020, further, the Government Servant threatened the complainant that she will look into her matter. The complainant recorded the conversation in the memory card through phone. Though the complainant is not willing to give bribe of Rs.4,500/- to the Government Servant, but under the compulsive situations, she agreed. But she did not like to give bribe. The complainant submitted a telugu typed report to the DSP, ACB, Visakhapatnam with a request to take appropriate action against the Government Servant for demanding bribe amount and handed over a memory card along with the report in which the conversation held between herself and the Government Servant, which was recorded on 12.03.2020 evening.

That after observing all legal formalities, the DSP, ACB Visakhapatnam registered the statement as a case in Cr.No.06/RCT-VSP/2020 U/s 7 (b) of the Prevention of Corruption (Amendment) Act, 2018 on 13.03.2020 at 07:00 hours and took up investigation.

On 13.03.2020, the DSP, ACB, Visakhapatnam secured the presence of two respectable mediators viz. 1) Smt. Medisetti Venkata Ramana Kumari W/o S.N Achanta, District Manager, NTRCSD & EW APWCFC, Pineapple Colony, Visakhapatnam and 2) Smt. Yedla Sudha Rani, W/o Dr. G.Chandra Sekhar, Junior Assistant, APWCFC, Pineapple Colony, Visakhapatnam and also secured the presence of the complainant.

The DSP, ACB, Visakhapatnam Range conducted pre-trap proceedings from 07:20 hours to 10:00 hours and got played the memory card in the office computer containing voice conversation took place on 12.03.2020 and it was transcribed in separate sheets and the remaining proceedings were reduced into writing by the mediators as pre-trap proceedings incorporating the serial numbers of the currency notes, the demonstration of chemical tests and the instructions issued to the complainant and the other members of the trap party.

On 13.03.2020 at about 11:45 hours, the Government Servant was successfully trapped by the ACB officials when she further demanded and

(Contd., .3)

accepted the bribe amount of Rs.4,500/- from the complainant Smt. Abothu Satyavathi Manga for showing the above said official favour.

Then DSP called the complainant and questioned her to narrate as to what had happened, after she alighted from the vehicle. On that, the complainant stated that, after she left the trap party at about 11:30 hours, she reached the Government Servant's room of Z.P. high School, Chodavaram, Visakhapatnam District and found the Government Servant is sitting on her chair and the staff Jr. Asst. Priyanka and watch woman Geethanjali were sitting in the side enclosure. The Government Servant on observing her asked her whether she brought the bribe amount of Rs. 4,500/- and she responded positively. Then the Government Servant demanded her to give the bribe amount. Then she took the bribe amount of Rs.4,500/- from her money pouch and gave to the Government Servant, who received with her right hand, counted with both hands and kept in her hand bag. Later, she came out side of the Government Servant's room to the verandha and gave pre-arranged signal to the Inspector Sri Sk.Gafoor, who is available at the gate. Within no time, the ACB officials rushed towards the room of Government Servant.

The chemical test was conducted to the both hand fingers of the Government Servant and both hand fingers of the Government Servant yielded positive result. The tainted currency notes were recovered at the instance of Government Servant. The serial numbers of the recovered tainted currency notes were tallied with the serial numbers of currency notes mentioned in pre trap proceedings. The DSP seized the said tainted currency notes of Rs.4500/- (Rs.500 x 9) along with the "LUDISI" company made leather handbag having biscuit colour with black colour stripes, on which the tainted currency kept and three sealed bottles containing the chemical washes. The DSP also seized a sample of Sodium Carbonate powder used in the chemical test under the cover of mediators report.

The DSP questioned the Government Servant as to what had happened between her and the complainant, after explaining her about the allegations levelled against her in the FIR. The Government Servant stated that she has been working as Head Mistress, Z.P. Girls High School, Chodavaram, Visakhapatnam since April, 2007. Smt. Manga and 4 other ladies are working as midday meal workers in her school since prior to her joining in the school. Smt. Manga is preparing meals for the students of IX and X and she will get her turn once in three months, as they will work on rotation basis. The midday meal workers bear expenditure for purchase of utensils, gas and essential commodities initially, She prepares and processes their bills and sends to DEO through MEO, Chodavaram and after clearance of their bills the amount automatically will be credited in the bank account of midday meal workers, which was opened in the names of Smt. Gunuru Varalakshmi and Badireddy Lakshmi. Though the Midday meals was prepared by Smt. Butchirajamma for the classes VI to VIII and Smt. Manga for the classes IX and X during the month of January, 2020 the bills were claimed in the opposite i.e. for the classes VI to VIII Smt. Manga and Smt. Butchirajamma for the classes IX and X for the bill amount of Rs. 32,423/- and Rs.34,125/-respectively. After preparing the bills, the bills were forwarded to the MEO, Chodavaram to submit the same to DEO Visakhapatnam. The DEO office will process the bills and credit the amounts in the joint account of the midday meal workers. As there is no cell phone to Smt. Manga she made phone calls several times to the son of Manga and other midday meal workers to ask Manga to come to office and when she called her over cell phones of others, the Government Servant requested to pay the electricity bill of the school for the month of February, 2020 as there is no budget. On the evening at about 17:30 hours on 12.03.2020, Smt. Manga called her over phone and she informed Manga to come to the school on 13.03.2020 morning and pay the electricity bill amount of Rs.4,500/-. On 13.03.2020 while the Government Servant was in her office room, at about

(P.T.O)

11.40 hours Smt. Manga came and gave Rs.4500/-for payment of electricity bill, she received the amount with her right hand, counted with both hands and kept the same in the side pocket of her hand bag and with in no time the ACB people surrounded her.

When the DSP confronted the complainant before the Government Servant with the version of the Government Servant that the complainant repaid the loan amount or to pay the electricity bill of the school, she denied the version of the Government Servant and stated that she has not taken any loan from the Government Servant and they need not pay electricity bill and contended the Government Servant demanded and accepted the bribe of Rs.4,500/- for already paid her midday meal bill for the month of January, 2020.

The DSP, ACB requested the Government Servant to produce the official favour files, on that the Government Servant produced the following files:

1. **A file consisting of midday meal bills for the month of January, 2020 from class 6th to 10th and etc. consisting 1 to 10 sheets.:**

   On perusal of these bills, it is noticed that the bills were prepared for the classes 9th and 10th in the name of Smt. Butchirajamma, for 6th to 8th in the name of Smt. Manga. But on verification, it is found that names were inter changed. When questioned to the A.O. about the discrepancy, the A.O. stated that it was a mistake that the names were changed on the bills.

2. A file consisting of electricity bill dated 09.03.2020 for the month of February, 2020 for an amount of Rs. 2362/- and electricity bill paid receipt dated 11.3.2020 of Rs. 2372/-containing 2 sheets.

3. Attendance Register of the Z.P. Girls High School, Chodavaram for 2020-21.
4. Midday Meals attendance Register from February, 2019 to June, 2019.

The DSP seized the above files/Registers 1 to 4 for the purpose of further investigation after duly signed by the Mediators and the DSP.

The DSP examined the following witnesses who were present at the scene of offence at the time of trap and conducting post trap proceedings in the presence of the mediators and the mediators incorporated their statements in detail in the post trap proceedings.

1. Smt Abothu Satyavathi @ Manga, W/o Srinu, Age 36 years, Occupation: Midday Meal Worker, R/o Kota Veedhi, Chodavaram Mandal, Visakhapatnam District. (Complainant)

She speaks about contents of her report dt.12.03.2020 submitted to the DSP, ACB, Visakhapatnam Range and also speaks about the contents of Mediators Report-I & II dated 13.03.2020 to the extent of her participation, giving her statement U/s 164 Cr.P.C., recorded by the XI Addl. Metropolitan Magistrate, Anakapalle on 25.09.2020 and etc facts.

2. Smt Gunuru Varalakshmi, W/o Sankara Rao, Age 40 years, Occupation: Midday Meal Worker, R/o Kota Veedhi, Chodavaram Mandal, Visakhapatnam District.

She speaks that, she is also working as Midday meal worker in Z.P.Girls High School, Chodavaram since 2012. She and Lakshmi having joint bank

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account, in which, the midday meal bills were credited. The Government Servant had been demanding bribe of Rs.5,000/- whenever amount is credited in the bank accounts towards midday meals. So far, she avoided on one pretext or the other. On 09.03.2020, she recorded the voice conversation between her and the Government Servant when she demanded bribe on the pretext of electric bill of Rs.2,362/- through her son's mobile phone. She also speaks that, handing over the memory card, which is having voice conversation between her & the Government Servant and giving her statement U/s 164 Cr.P.C recorded by the XI Addl. Metropolitan Magistrate, Anakapalle on 25.09.2020 and etc facts.

3. **Smt Nafeesha Begum, W/o Ashok Kumar, Age 40 years, R/o D.No. 15-125, F- Block, Lakshmi Nagar, Gopalapatnam, NAD Kotha Road, Visakhapatnam City, School Assistant, Physical Science, Chodavaram Girls High School, Chodavaram, Visakhapatnam.**
4. **Smt Mogali Vasundara Devi, W/o Kola Narasimha Lakshmi Ganeswara Rao, Age 48 years, R/o D.No. 6-17, Vidya Nagar, Chodavaram, Visakhapatnam, School Assistant, Hindi, Chodavaram ZP Girls High School, Chodavaram, Visakhapatnam.**
5. **Smt Rongali Buchirajamma, W/o (Late) Yerri Naidu, Age 54 years, R/o Velama Street, Chodavaram, Visakhapatnam, Midday meal cook, Chodavaram ZP Girls High School, Chodavaram, Visakhapatnam.**

They speaks that, on 13.03.2020 at about 12:45 hours, they went to the office room of the Government Servant to discuss about the farewell party of the X class students. While they were discussing with the Government Servant within one or two minutes ACB officials came into the chamber of the Government Servant and surrounded the Government Servant and conducted chemical test to her both hand fingers and yielded positive result and etc. facts.

6. **Smt Chammallamoodi Marry Priyanka, W/o Rajeev, Age 28 years, R/o D.No. 12-77, E-Block, Lakshmi Nagar, Gopalapatnam, Visakhapatnam, Junior Assistant, Chodavaram ZP Girls High School, Chodavaram, Visakhapatnam.**
7. **Smt Thooguru Geethanjali, W/o (Late) Venkata Rao, Age 40 years, R/o Kota Veedhi, Chodavaram, Visakhapatnam, Watch woman (LGS - Last Grade Servant), Chodavaram ZP Girls High School, Chodavaram, Visakhapatnam.**

They speaks that, on 13.03.2020 while they were present in the clerk room at about 12:35 hrs, one Midday Meal cook Smt Abothu Satyvathi @ Manga went to the chamber of the Government Servant and after they discussed for some time, the Midday meal cook left the chamber. They have not observed what transpired between them. After few minutes, Smt Nafeesha Begum, School Asst, Physical Science and Smt M.Vasundara Devi and Rongali Buchirajamma went into the chamber of the Government Servant and within few minutes ACB officials came into the chamber of the Government Servant and surrounded the Government Servant and conducted chemical test to both hand fingers and yielded positive result and etc. facts.

The DSP secured the below witness, who is the superior officer to the Government servant and presence at the time of conducting post trap proceedings in the presence of the mediators and the mediators incorporated their statements in detail in the post trap proceedings.

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8. Sri Pedapati Atchutha Rao Slo Late Anandam, 59 years, Mandal Educational Officer, Chodavaram Mandal, Visakhapatnam District, R/o D.No. 5-3-8, Balla Veedhi, Near Durga Temple, Anakapalli, Visakhapatnam.

He speaks that, he has been working as Mandal Education Officer, Chodavaram Mandal, Visakhapatnam since 27.03.2017. He narrated the procedure in respect of Midday Meals and also inform that the electricity bills of the High School are to be paid by the Head Mistress of the High School from the budget allotment to annual school grants(SSA), but should not be collected from the midday meal workers and etc facts.

During the course of the investigation, the investigating officers secure the following witnesses, examined them and recorded their detailed statements.

9. Kunireddy Chiranjeevi, S/o Ramu Naidu, Age 38 years, Occupation:- Auto Driver, R/o Kota Veedhi, Chodavaram, Visakhapatnam.

He speaks that, he knew the complainant Smt Aaboutu Satyavathi @ Manga very well. On 12.03.2020, while he was present at auto stand near Z.P. Girls High School, Chodavaram, the complainant came to the auto stand and asked his cell phone bearing Sim No.9704563406 and called to the Government Servant's cell phone bearing Sim No. 9393104093. The complainant got recorded the voice conversation between her and the Government Servant and transferred it into memory card belongs to complainant and etc facts.

10. Smt Badireddy Lakshmi, W/o Srinu, Age 45 years, Occupation:- Midday Meal cook, R/o Velama Street, Chodavaram, Visakhapatnam.

She speaks that, a joint account is running in the SBI, Chodavaram in the names of herself and Goonuru Varalakshmi and she came to know about the trap against the Government Servant through the complainant and etc facts.

11. Smt Nakkella Demudamma, W/o Demudu, Age 70 years, Occupation:- Midday Meal cook, R/o Kotastreet, Chodavaram, Visakhapatnam.

She speaks that, she came to know about the trap against the Government Servant through complainant and Goonuru Varalakshmi and etc facts.

<u>During the investigation, Inspector ACB, Visakhapatnam obtained the following documentary evidence.</u>

1. **Midday Meals attendance Register from February 2019 to June - 2019.**

It proves the attendance particulars of Midday Meal Cooks and working days of the complainant.

2. Proceedings of DEO, Visakhapatnam vide RC.No. 724/A5 (A2)/ 2017, dt 22.01.2021.

(Contd., 7)

It proves the procedure aspect for midday meal workers, Instructions/Guidelines on Midday meals and powers of Headmistress for removing the mid-day meal worker.

3. **Letter No. Nil, dt 04.07.2020 furnished by Bank Manager, SBI, Chodavaram, Visakhapatnam.**

4.

It proves that the statement of joint account in the name of Implementing Agency, Z.P.G.H.School, Chodavaram, Visakhapatnam.

4. Statement of the complainant recorded U/s 164 Cr.P.C.:

It reveals about her complaint to DSP ACB, her participation in pre and post trap proceedings, recording of her statement by the Hon'ble Addl Junior Civil Judge cum XI Addl Metropolitan Magistrate, Anakapalli, Visakhapatnam district on 25.09.2020.

5. **Statement of the LW-2, Smt Gunuru Varalakshmi recorded U/s 164 Cr.P.C.:**

It reveals about recording of her statement by the Hon'ble | Addl Junior Civil Judge cum XI Addl Metropolitan Magistrate, Anakapalli, Visakhapatnam district on 25.09.2020.

6. Mobile call data particulars of SIM No.9393104093 (Airtel) of the AO, received from the service provider i.e. Airtel.

It reveals that Phone conversation has taken place between SIM No.9393104093 of the AO and SIM No.9704563406 (Airtel), which was used by the complainant on 12.03.2020.

7. Certificate u/s 65 B of IE Act for the CDRs and CAFs of the SIM No. 9393104093 (Airtel) of the AO and SIM No. 9704563406 (Airtel) of the complainant. On 12.06.2020 and 16.12.2020, letters were addressed to the service provider of Airtel to furnish the Certificates u/s 65 B of IE Act for the CDRs and CAFs of the SIM No.9393104093 of the AO and SIM No.9704563406 of the complainant through the Nodal Officer, ACB, Vijayawada and they are awaited.

8. Analysis of call data records.

It reveals that Phone conversation taken place between complainant and Accused Officer on the particular date i.e on 12.03.2020.

Analysis

A.O	Chiranjeevi	Date	Time	Duration(Sec)
9393104093 (In)	9704563406 (Out)	12.03.2020	17.02.24	356

Digital Evidance:

1. **Kingston SD Micro 8 GB memory card containing voice conversation of AO and complainant dtd. 12.03.2020:**

It proves that the AO is demanding bribe for already processed midday meals bills for the month of January-2020 of Complainant and etc.

2. <u>4 GB, Xtreme SM, Micro SD memory card containing voice conversation of AO, complainant and other witness Smt Goonuru Varalakshmi dtd.09.03.2020:</u>

It proves that the AO is demanding bribe for already processed midday meals bills for the month of January-2020 of Complainant and other witness Smt Goonuru Varalakshmi and etc.

3. Expert opinion Report to be received from the Assistant Director, FSL, Mangalagiri in comparison of the voice samples:

The Hon'ble Court issued orders on 07.02.2022 directing the Government Servant to be present before the FSL, the Government servant was produced before FSL on 14.03.2022 and she gave her sample voice vide FSL report vide file No. SFSL(AP)/434/AVF/16/22 is awaited.

Hence the charge against the Government Servant that she demanded and accepted a bribe amount of Rs.4,500/- from the complainant for showing official favour is held substantiated.

Thus, Smt Dalai Krishna Kumari, Head Mistress, Z.P.Girls High School, Chodavaram, Visakhapatnam by her above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and brought down the prestige of the Government and thereby contravened Rule 3 (1) & 3 (2) of AP Civil Service (Conduct) Rules, 1964.

Thus, the Government servant, Smt Dalai Krishna Kumari, the then Head Mistress, Z.P.Girls High School, Chodavaram, Visakhapatnam rendered herself for regular departmental enquiry for major penalty under Rule 20 of APCS (CC&A) Rules, 1991.

PRAVEEN PRAKASH
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

DOCUMENTARY EVIDENCE

Following is the documentary evidence available to substantiate the allegation:

01. Complaint dt. 12.03.2020 given by the complainant:

It reveals about the facts of the demand of bribe amount of Rs. 4500/- by the A.O. for doing official favour to complainant i.e. to cause performance of processing of Midday meals bills belongs to the complainant.

02. F.I.R. in Cr.No.06/RCT-VSP/2020, dt. 13.03.2020.

It reveals that a report was received from the complainant with regard to demand of bribe and registration of the case against the AO.

03. Mediators Report-I :- It reveals the pre-trap happenings dt.13.03.2020 drafted at the O/o DSP ACB, Visakhapatnam.

04. Mediators Report-II :- It reveals the post trap happenings, dtd 13.03.2020 drafted at the office of Head Mistress, Z.P. Girls High School, Chodavaram, Visakhapatnam District etc facts.

05. A file consisting of midday meal bills for the month of January, 2020 from class 6th to 10th and etc. consisting 1 to 10 sheets: On perusal of these bills, it is noticed that the bills were prepared for the classes 9 and 10 in the name of Smt. Butchirajamma, for 6th to 8th in the name of Smt. Manga. But on verification, it is found that names were inter changed. When questioned to the A.O. about the discrepancy, the A.O. stated that it was a mistake that the names were changed on the bills.

During post trap proceedings, this is the official file. On the date of trap, it was secured through AO, It reveals that this file was processed by the A.O.

06. A file consisting of electricity bill dated 09.03.2020 for the month of February, 2020 for an amount of Rs. 2362/- and electricity bill paid receipt dated 11.3.2020 of Rs 2372/-containing 2 sheets.

It reveals that the A.O. was demanded and accepted an amount of Rs.4500/- as bribe on the pretext of electricity bill. On perusal of the above electricity bill it came to know that it was also paid on 11.3.2020 and it is only for Rs 2,382/- but she demanded and accepted an amount of Rs. 4,500/-,

07. Attendance Register of the Z.P.Girls High School, Chodavaram for the year 2020-21.

It reveals that the A.O was present in the Z.P. Girls High School, Chodavaram, Visakhapatnam on the dates of demand of bribe i.e. on 09.03.2020 & 12.03.2020 and on the date of trap i.e, on 13.03.2020.

08. Midday Meals attendance Register from February-2019 to June-2019.

It proves the attendance particulars of Midday Meal Cooks and working days of the complainant.

09. Proceedings of DEO, Visakhapatnam vide RC.No. 724/A5(A2)/ 2017, dt.22.01.2021.

(P.T.O)

It proves the procedure aspect for midday meal workers, Instructions/Guidelines on Midday meals and powers of Headmistress for removing the mid-day meal worker.

10. Letter No. Nil, dt 04.07.2020 furnished by Bank Manager, SBI, Chodavaram, Visakhapatnam.

It proves that the statement of joint account in the name of Implementing Agency, ZP G.H. School, Chodavaram, Visakhapatnam.

11. Statement of the complainant recorded U/s 164 Cr.P.C.:

It reveals about her complaint to DSP ACB, her participation in pre and post trap proceedings, recording of her statement by the Hon'ble Addl Junior Civil Judge cum XI Addl Metropolitan Magistrate, Anakapalli, Visakhapatnam district on 25.09 2020.

12. Statement of the LW-2, Smt Gunuru Varalakshmi recorded U/s 164 Cr.P.C.

It reveals about recording of her statement by the Hon'ble Addl Junior Civil Judge cum XI Addl Metropolitan Magistrate, Anakapalli, Visakhapatnam district on 25.09.2020.

13. Mobile call data particulars of SIM No. 9393104093 (Airtel) of the AO, received from the service provider i.e. Airtel.

It reveals that Phone conversation has taken place between SIM No.9393104093 of the AO and SIM No. 9704563406 (Airtel), which was used by the complainant on 12.03.2020.

14. Certificate u/s 65 B of IE Act for the CDRs and CAFs of the SIM No. 9393104093 (Airtel) of the AO and SIM No. 9704563406 (Airtel) of the complainant. On 12.06.2020 and 16.12.2020, letters were addressed to the service provider of Airtel to furnish the **Certificates u/s 65 B of IE Act for the CDRs and CAFs of the SIM No. 9393104093 of the AO** and SIM No. 9704563406 of the complainant through the Nodal Officer, ACB, Vijayawada and they are awaited.

15. Analysis of call data records.

It reveals that Phone conversation taken place between complainant and Accused Officer on the particular date i.e on 12.03.2020.

Analysis

A.O	Chiranjeevi	Date	Time	Duration(Sec)
9393104093 (In)	9704563406 (Out)	12.03.2020	17.02.24	356

Digital Evidance:

1. **Kingston SD Micro 8 GB memory card containing voiceconversation of AO and complainant dtd. 12.03.2020:**

It proves that the AO is demanding bribe for already processed midday meals bills for the month of January-2020 of Complainant and etc.

2. **4 GB, X treme SM, Micro SD memory card containing voice conversation of AO, complainant and other witness Smt Goonuru Varalakshmi dtd. 09.03.2020:**

(Contd., 3)

It proves that the AO is demanding bribe for already processed midday meals bills for the month of January-2020 of Complainant and other witness Smt Goonuru Varalakshmi and etc.

16. Any other documents required to be mentioned at the time of enquiry.

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ANNEXURE-IV

ORAL EVIDENCE: The following oral evidence is available on record.

1. **Smt Abothu Satyavathi Manga, W/o Srinu, Age 36 years, Occupation: Midday Meal Worker, R/o Kota Veedhi, Chodavaram Mandal, Visakhapatnam District. (Complainant)**

She speaks about contents of her report dt.12.03.2020 submitted to the DSP, ACB, Visakhapatnam Range and also speaks about the contents of Mediators Report-I & II dated 13.03.2020 to the extent of her participation, giving her statement U/s 164 Cr.P.C., recorded by the XI Addl Metropolitan Magistrate, Anakapalle on 25.09.2020 and etc facts.

2. Smt Gunuru Varalakshmi, W/o Sankara Rao, Age 40 years, Occupation Midday Meal Worker, R/o Kota Veedhi, Chodavaram Mandal, Visakhapatnam District.

She speaks that, she is also working as Midday meal worker in Z.P.Girls High School, Chodavaram since 2012. She and Lakshmi having joint bank account, in which the midday meal bills were credited. The Government Servant had been demanding bribe of Rs.5,000/- whenever amount is credited in the bank accounts towards midday meals. So far, she avoided on one pretext or the other. On 09.03.2020, she recorded the voice conversation between her and the Government Servant when she demanded bribe on the pretext of electric bill of Rs.2,362/- through her son's mobile phone. She also speaks that, handing over the memory card, which is having voice conversation. between her & the Government Servant and giving her statement U/s 164 Cr.P.C., recorded by the XI Addl Metropolitan Magistrate, Anakapalle on 25.09.2020 and etc facts.

3. Smt Nafeesha Begum, W/o Ashok Kumar, Age 40 years, R/o D.No. 15-125, F- Block, Lakshmi Nagar, Gopalapatnam, NAD Kotha Road, Visakhapatnam City, School Assistant, Physical Science, Chodavaram Girls High School, Chodavaram, Visakhapatnam

4. Smt Mogali Vasundara Devi, W/o Kola Narasimha Lakshmi Ganeswara Rao, Age 48 years, R/o D.No. 6-17, Vidya Nagar, Chodavaram, Visakhapatnam, School Assistant, Hindi, Chodavaram ZP Girls High School,Chodavaram,Visakhapatnam.

5. Smt Rongali Buchirajamma, W/o (Late) Yerri Naidu, Age 54 years, R/o Velama Street, Chodavaram, Visakhapatnam, Midday meal cook, Chodavaram ZP Girls High School, Chodavaram, Visakhapatnam.

They speaks that, on 13.03.2020 at about 12:45 hours, they went to the office room of the Government Servant to discuss about the farewell party of the X class students. While they were discussing with the Government Servant within one or two minutes ACB officials came into the chamber of the Government Servant and surrounded the Government Servant and conducted chemical test to her both hand fingers and yielded positive result and etc facts.

6. Smt Chammallamoodi Marry Priyanka, Wlo Rajeev, Age 28 years, Rio D.No.12-77, E-Block, Lakshmi Nagar, Gopalapatnam, Visakhapatnam, Junior Assistant, Chodavaram ZP Girls High School, Chodavaram, Visakhapatnam.

7. Smt Thooguru Geethanjali, W/o (Late) Venkata Rao, Age 40 years, Rio Kota Veedhi, Chodavaram, Visakhapatnam, Watch woman (LGS - Last Grade Servant), Chodavaram ZP Girls High School, Chodavaram, Visakhapatnam.

(P.T.O)

They speaks that, on 13.03.2020 while they were present in the clerk room at about 12:35 hrs, one Midday Meal cook Smt Abothu Satyvathi @ Manga went to the chamber of the Government Servant and after they discussed for some time, the Midday meal cook left the chamber. They have not observed what transpired between them. After few minutes, Smt Nafeesha Begum, School Asst. Physical Science and Smt M.Vasundara Devi and Rongali Buchirajamma went into the chamber of the Government Servant and within few minutes ACB officials came into the chamber of the Government Servant and surrounded the Government Servant and conducted chemical test to both hand fingers and yielded positive result and etc. facts.

The DSP secured the below witness, who is the superior officer to the Government servant and presence at the time of conducting post trap proceedings in the presence of the mediators and the mediators incorporated their statements in detail in the post trap proceedings.

8. Sri Pedapati Atchutha Rao S/o Late Anandam, 59 years, Mandal Educational Officer, Chodavaram Mandal, Visakhapatnam District, R/o D.No. 5-3-8, Balla Veedhi, Near Durga Temple, Anakapalli, Visakhapatnam.

He speaks that, he has been working as Mandal Education Officer, Chodavaram Mandal, Visakhapatnam since 27.03.2017. He narrated the procedure in respect of Midday Meals and also inform that the electricity bills of the High School are to be paid by the Head Mistress of the High School from the budget allotment to annual school grants(SSA), but should not be collected from the midday meal workers and etc facts.

During the course of the investigation, the investigating officers secure the following witnesses, examined them and recorded their detailed statements.

9. Kunireddy Chiranjeevi, S/o Ramu Naidu, Age 38 years, Occupation:- Auto Driver, R/o Kota Veedhi, Chodavaram, Visakhapatnam.

He speaks that, he knew the complainant Smt Aaboutu Satyavathi @ Manga very well. On 12.03.2020, while he was present at auto stand near Z.P.Girls High School, Chodavaram, the complainant came to the auto stand and asked his cell phone bearing Sim No.9704563406 and called to the Government Servant's cell phone bearing Sim No.9393104093. The complainant got recorded the voice conversation between her and the Government Servant and transferred it into memory card belongs to complainant and etc facts.

10. Smt Badireddy Lakshmi, W/o Srinu, Age 45 years, Occupation:- Midday Meal cook, R/o Velama Street, Chodavaram, Visakhapatnam.

She speaks that, a joint account is running in the SBI, Chodavaram in the names of herself and Goonuru Varalakshmi and she came to know about the trap against the Government Servant through the complainant and etc facts.

11. Smt Nakkella Demudamma, W/o Demudu, Age 70 years, Occupation:- Midday Meal cook, R/o Kotastreet, Chodavaram, Visakhapatnam.

She speaks that, she came to know about the trap against the Government Servant through complainant and Goonuru Varalakshmi and etc facts.

12. Smt. Medisetti Venkata Ramana Kumari W/o S.N. Achanta, District Manager, NTRCSD & EW, APWCFC, Pineapple Colony, Visakhapatnam,

(Contd., 3)

R/o: Flat No.3, Krupa Apartments, VIP Road, CBM Compound, Visakhapatnam.

She speaks that she is the first mediator and speaks about the contents of Mediators Report-I & II, dt. 13.03.2020 drafted at the O/o DSP ACB, Visakhapatnam and at the office of Head Mistress, Z.P. Girls High School, Chodavaram, Visakhapatnam District etc facts.

13. Smt. Yedla Sudha Rani, W/o Dr. G.Chandra Sekhar, Junior Assistant, APWCFC, Pineapple Colony, Visakhapatnam, R/o: D.No.50-121-20/1, Flat No.4/1, Seshu Tower, B.S.Layout, Seethammadhara, Visakhaptnam.

She speaks that she is the second mediator and speaks about the contents of Mediators Report-I & II, dt. 13.03.2020 drafted at the O/o DSP ACB, Visakhapatnam and at the office of Head Mistress. Z.P. Girls High School, Chodavaram, Visakhapatnam District etc facts.

14. Sri K.Ranga Raju, Deputy Supdt. Of Police, ACB, Visakhapatnam Range.
15. Sri Sk.Gafoor, Inspector of Police, ACB, Visakhapatnam Range.
16. Sri P.Srinivasa Rao, Inspector of Police, ACB, Visakhapatnam Range.
17. Any other witnesses required to be mentioned at the time of enquiry.

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